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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri D.R. Deshmukh, J.

Misc. Appeal No. 1195 OF 2005

APPELLANTS CLAIMANTS

1. Smt. Saraswati Pillai, Aged about 40 years, W/o Late Ramchandran Pillai
2. Ranjit Kumar Pillai, Aged about 17 years, Minor, S/o. Late Ramchandran Pillai,
3. Ku. Ramya Pillai, Aged about 12 years, Minor, D/o. Late Shri Ramchandran Pillai.

Both minor, appellant no. 2 & 3 are being represented through mother appellant no. 1.
All resident of Police Wireless Colony, Police Station House Telibandha, Raipur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Arun Kumar Pandey, S/o. Ramsurat aged about 25 years, Driver, Resident of Chhatamuda Chowk, Baipass, Bangal-Bihar Transport, Raigarh, Tehsil & District Raigarh (C.G.)
2. Jogendar Singh, S/o. Vasudev Singh, Owner of the Vehicle, R/o. Chhatamuda Chowk, Baipass, Bangal-Bihar Transport, Raigarh, Tehsil & District Raigarh (C.G.)
3. The Oriental Insurance Company Limited Through Divisional Manager, Divisional Office, Kachahari Chowk, Jail Road, Raipur (C.G.) Policy Cover Note No. 163127.
Due dated 23/10/03 to 22/10/04

Present:

Shri Sourabh Jaiswal, learned counsel for the appellants.

Shri Prashant Mishra, learned Sr. Advocate with Shri H.S. Patel, learned counsel for the respondent No. 3.

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ORAL ORDER
(Passed on 9th of January 2006)

The following Order of the Court was passed by

S.R. Nayak, CJ:

The dependents of the deceased not being satisfied with the compensation awarded by the MACT have preferred this appeal seeking more compensation. Learned counsel for the appellants would contend that the MACT is not justified in taking the monthly income of the deceased as Rs. 3,751.34 Ps. for the purpose of assessing loss of dependency. It was also contended that what is awarded towards loss of consortium is on lower side. It was also contended that no compensation is awarded towards loss of estate. It was also contended that the MACT ought to have awarded reasonable compensation towards loss of love and affection to the minor children of the deceased.

(2) We do not find any merit in the first contention. Though gross salary of the deceased was Rs. 7861/-, after permissible deductions, such as DPF, GIS etc., the home taking salary of the deceased was Rs. 5627/- only and the MACT has deducted 1/3rd of the said sum towards personal expenses of the deceased and thereby the actual loss of monthly dependency was only Rs. 3751.34 Paise. The deceased was aged 45 years on the date of accident and therefore, the appropriate multiplier to be applied is 15. Thus, total loss of dependency would come to Rs. 7,31,511.3 Paise (3751.34 X 13X15) and that sum has rightly been awarded by the MACT towards loss of dependency. We were told that police personnel get 13 months salary in a year, 1 month's salary as an incentive.

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(3) However, we find sum considerable force in the remaining contentions of the learned counsel for the appellants. As we often held and reiterated that even compensation to be awarded under the conventional heads should reflect time and place and the steep fall in the money value in recent year and it cannot be static for all the years to come. In that view of the matter, we award a sum of Rs. 20,000/- towards loss of consortium to the widow of the deceased, Rs. 20,000/- towards loss of love and affection to the minor children and another sum of Rs. 20,000/- towards loss of estate. The impugned award shall stand modified in the above terms. In all other respects, the impugned award shall remain unaltered. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb
Deshmukh
Judge

subbu